COUNCIL OF THE COUNTY OF MAUI

INFRASTRUCTURE MANAGEMENT COMMITTEE

December 2, 2011	Committee	
	Report No.	

Honorable Chair and Members of the County Council County of Maui Wailuku, Maui, Hawaii

Chair and Members:

Your Infrastructure Management Committee, having met on November 14, 2011, makes reference to County Communication 11-280, from the Director of Public Works, transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF ROAD WIDENING LOTS FOR THE PAIA POST OFFICE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The purpose of the proposed resolution is to accept the dedication of two road widening lots from owners Alexander & Baldwin, Inc. and Paia 2020, LLC, for public purposes. Lot A-1-C, consisting of .325 acres, and Lot A-1-D, consisting of .041 acres, are both located at TMK: (2) 2-5-05:018 (portion) along Baldwin Avenue in Paia, Maui, Hawaii.

The Director of Public Works stated that Lot A-1-C directly fronts the Paia Post Office and Lot A-1-D is on the makai side of the Post Office. He further stated that his Department deems the Warranty Deed complete and recommends adoption of the proposed resolution.

Your Committee noted that the fact sheet submitted by the Department of Public Works for the road widening lot dedication identifies three owners of the lots, Alexander & Baldwin, Inc.; Paia 2020, LLC; and David Spree Revocable Trust. The Director of Public Works confirmed that the owners of the subject lots are Alexander & Baldwin, Inc. and Paia 2020, LLC, as listed in the proposed resolution and the Warranty Deed.

Your Committee voted 7-0 to recommend adoption of the proposed resolution and filing of the communication. Committee Chair Cochran, Vice-Chair Victorino, and members Carroll, Couch, Hokama, Mateo, and Pontanilla voted "aye".

COUNCIL OF THE COUNTY OF MAUI

INFRASTRUCTURE MANAGEMENT COMMITTEE

December 2, 2011	Committee	
Page 2	Report No.	

Your Infrastructure Management Committee RECOMMENDS the following:

- 1. That Resolution ______, attached hereto, entitled "ACCEPTING DEDICATION OF ROAD WIDENING LOTS FOR THE PAIA POST OFFICE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
- 2. That County Communication 11-280 be FILED.

COUNCIL OF THE COUNTY OF MAUI

INFRASTRUCTURE MANAGEMENT COMMITTEE

December 2, 2011	Committee
Page 3	Report No.

This report is submitted in accordance with Rule 8 of the Rules of the Council.

ELLE COCHRAN, Chair

im:cr:11035aa:scj

Resolution

No.	

ACCEPTING DEDICATION OF ROAD WIDENING LOTS FOR THE PAIA POST OFFICE SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE

WHEREAS, ALEXANDER & BALDWIN, INC., a Hawaii corporation, and PAIA 2020, LLC (hereinafter called "Subdivider"), desires to comply with the subdivision requirements for the Paia Post Office Subdivision, Tax Map Key No. (2) 2-5-005:portion of 018, Subdivision File No. 2.3052, by dedicating that certain Road Widening Lot A-1-C, as more fully described in Exhibit "A" of the Warranty Deed attached hereto as Exhibit "1", and made a part hereof, and that certain Road Widening Lot A-1-D, as more fully described in Exhibit "A" of the Warranty Deed attached hereto as Exhibit "A" of the Warranty Deed attached hereto as Exhibit "A" of the Warranty Deed attached hereto as Exhibit "2", and made a part hereof; and

WHEREAS, the Director of Public Works has reviewed said dedication and recommends approval of same; and

WHEREAS, pursuant to Section 3.44.015(C), Maui County Code, the County Council may accept any interest in real property by the passage of a resolution approved by a majority of its members; now, therefore,

BE IT RESOLVED by the Council of the County of Maui:

1. That it hereby accepts Lots A-1-C and A-1-D, as described in the Warranty Deeds attached hereto as Exhibits

Resolution	No.	

"1" and "2", to be dedicated by the Subdivider to the County of Maui in accordance with said Warranty Deeds; and

- 2. That it does hereby authorize the Mayor of the County of Maui to execute all necessary documents in connection with the acceptance of said dedication; and
- 3. That certified copies of this Resolution be transmitted to the Mayor of the County of Maui, the Director of Public Works, and the Subdivider.

APPROVED AS TO FORM AND LEGALITY:

MICHAEL J. HOPPER

Deputy Corporation Counsel

County of Maui

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AFTER RECORDATION, RETURN BY: MAIL (XX) PICKUP ()
COUNTY OF MAUI Department of Finance
200 South High Street
Wailuku, Hawaii 96793 s:\CLERICAL\LJh\PW\DSA FORMS MASTERS\Warranty deed (rev 2-11).wpd
TMK No. (2) 2-5-005: portion of 018 Total No. of Pages:
Subdivision File No. 2.3052
WARRANTY DEED
KNOW ALL MEN BY THESE PRESENTS: ALEXANDER & BALDWIN, INC. a Hawaii corporation, and That PAIA 2020, LLC, a Hawaii limited liability company, whose 822 Bishop Street, Honolulu, Hawaii 96813 and address is P.O. Box 790478, Paia, Hawaii 96779
(hereinafter the "Grantor"), for and in consideration of the sum of
Ten and no/00 dollars (\$ 10.00) to Grantor paid
by COUNTY OF MAUI, a political subdivision of the State of Hawaii,
whose principal office and mailing address is 200 South High
Street, Wailuku, Hawaii 96793, (hereinafter "Grantee"), receipt
whereof is hereby acknowledged, does hereby grant, bargain, sell
and convey all of that certain property situate at
EXHIBIT " 1 PAGE OF

described in Exhibit "A", attached hereto and incorporated herein by reference, unto the Grantee, as Tenant in Severalty, its legal successors and assigns, forever, including the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interests of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, tenements, rights, easements, hereditaments, privileges and appurtenances thereto belonging or appertaining, or held and enjoyed in connection therewith unto the Grantee according to the tenancy hereinabove set forth, absolutely and in fee simple, forever.

AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized in fee simple of the described real and personal property and that the Grantor has good right to convey the same as aforesaid; that the property is free and clear of all encumbrances, except as may be described in Exhibit "A"; and the Grantor will WARRANT AND DEFEND the same unto Grantee, forever, against the lawful claims and demands of all persons.

It is understood and agreed that the term "property" shall be deemed to mean and include the property specifically described in Exhibit "A", all buildings and improvements thereon (including any personal property described in Exhibit "A") and all rights, easements, privileges and appurtenances in connection therewith, that the terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and

include the masculine and/or feminine, the singular or plural number, individuals, firms or corporations, that the rights and obligations of the Grantor and Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, personal representatives, successors in trust and assigns and that where there is more than one Grantor or Grantee, any covenants of the respective party shall be and for all purposes deemed to be joint and several.

IN WITNESS WHEREOF,	the undersigned have executed this
instrument on this day	of, 20
	GRANTOR: ALEXANDER & BALDWIN INC By name: NELSON N.S. CHUN Its SEATOR VICE PRESIDENT By name: CHARLES W. LOOMIS Its ASSI. SECRETARY PAIA 2020, IDE By name: Davide. Spee Its Manager
	ву
	name:
	Its
APPROVED AS TO FORM AND LEGALITY	
MICHAEL J. HOPPER	
Deputy Corporation Counsel	·
County of Maui	

- 3 -

STATE OF HAWA CITY & COUNTY OF) ss.			
On this 20th day of April, 2011, before me personally appeared NELSON N.S. CHUN, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable in the capacities shown, having been duly authorized to execute such instrument in such capacities.				
	IN WITNESS WHEREOF, I have hereunto set my hand and official seal.			
[Stamp or Seal]	OTARY PRINTAL	RY PUBLIC, State : Name Alleen S. A	of Hawaii	
	WITNESS WHEREOF, I IN THE STATE OF THE STATE			
	NOTARY PUBLIC C Undated at time	ERTIFICATION		
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Notary Name:	AILEEN S. MIYAHARA	Judicial Circuit:	First	
Doc. Description:	Warranty Deed		ENS. MIX SKILL	
			mp or Seally	
Notary Signature: Date: 4/20/	Silven S. Miga	hara This	TE OF HE WALL	

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PAGE 4 OF 11

STATE OF HAWA CITY & COUNTY OF HO) SS.	
personally appersonally kn	ppeared <u>CHARLES</u> nown, who, being	oy me duly sworn or affirmed, did ed the foregoing instrument as the son(s), and if applicable in the duly authorized to execute such
Official seal	deed of such person (s) executed deed of such person (s) executed the such capacities with the such capacities with S. M. S. M	NOTARY PUBLIC, State of Hawaii Print Name AREEN S. MIYAHARA My commission expires: 7/15/14
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	NOTARY PU	BLIC CERTIFICATION
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Date: 4/20/	11	""Proped!

STATE OF HAW	•		
COUNTY OF M	AUI) SS.		•
say that suc free act and capacities s	this 2nd day of May ppeared David R. Speed the following by me duly high person(s) executed the following been duly authorises and capacities.	sworn or a regoing ins d if applic	trument as the able in the
IN official sea	WITNESS WHEREOF, I have he	reunto set	my hand and
[Stamp or Seal]		e the	
15.	NOTARY PU	BLIC, State e Secone 1	of Hawaii
2.0.	My commis	sion expire	s: 9.28.2011
	NOTARY PUBLIC CERTIF	ICATION	
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Notary Signature/	Steros Hake	•	
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- 6 -

STATE OF HAWAII)) SS.	
COUNTY OF	
on this day of personally appeared personally known, who, being by me disay that such person(s) executed the free act and deed of such person(s), capacities shown, having been duly a instrument in such capacities.	and if applicable in the
IN WITNESS WHEREOF, I have official seal.	hereunto set my hand and
	PUBLIC, State of Hawaii Name mission expires:
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Doc. Date:	# Pages:
Notary Name:	Judicial Circuit:
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	[Stamp or Seal]
Notary Signature:	
Date:	

- 7 -

DESCRIPTION

LOT A-1-C (ROAD WIDENING LOT) PAIA POST OFFICE SUBDIVISION

All of that certain parcel of land, being a portion of Lot A-1 of the Paia Post Office Subdivision, being also a portion of the land deeded by the Board of Education to the Trustees of the Oahu College dated January 30, 1860 in Liber 12, Page 403 situated at Hamakuapoko, Makawao, Island and County of Maui, State of Hawaii

Beginning at a point at the northeasterly corner of this lot, on the southwesterly side of Baldwin Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUUNENE 2" being 5,333.33 feet North and 5,892.81 feet East and running by azimuths measured clockwise from True South:

- 1. Along the southwesterly side of Baldwin Avenue on a curve to the right with a radius of 1,407.40 feet, the radial azimuth to point of curve being 252° 04' 27 and the radial azimuth to point of tangent being 257° 47' 15", the chord azimuth and distance being: 344° 55' 51" 140.28 feet to a point; 2. 347° 47' 15" 123.52 feet along the southwesterly side of
- 3. Thence along the southwesterly side of Baldwin Avenue on a curve to the left with a radius of 741.20 feet, the chord azimuth and distance being:

 335° 07' 52.5" 324.80 feet to a point;
- 4. 322° 28' 30" 365.40 feet along the southwesterly side of Baldwin Avenue to a point;

Page 1 of 4

Baldwin Avenue to a point;

5.	Thenc	e alon	g the southwest	erly side of Baldw	with a radius of 929.93 feet, the chord azimuth and distance being: 329° 20' 37.5" 222.43 feet to a point;
6.	336°	12'	45"	228.94 feet	along the southwesterly side of Baldwin Avenue to a point;
7.	Theno	ce alon	g the southwest	terly side of Bald	win Avenue on a curve to the left with a radius of 2,889.79 feet, the chord azimuth and distance being: 334° 18' 15" 192.46 feet to a point;
8.	332°	23'	45"	346.35 feet	along the southwesterly side of Baldwin Avenue to a point;
9.	Theno	ce alon	g the southwes	terly side of Bald	lwin Avenue on a curve to the left with a radius of 1,928.62 feet, the chord azimuth and distance being: 326° 29' 22.5" 396.91 feet to a point;
10.	320°	35'		9.14 feet	along the southwesterly side of Baldwin Avenue to a point;
11.	45°	30,		6.02 feet	along a portion of the land deeded by the Board of Education to the Trustees of the Oahu College dated January 30, 1860 in Liber 12, Page 403 (being along T.M.K: (2) 2-5-05:54) to a point;
12.	140°	35'		9.69 feet	along Lot A-1-B of the Paia Post Office Subdivision to a point;
13.	Then	ce alor	ng Lot A-1-B of	the Paia Post O	ffice Subdivision on a curve to the right with a radius of 1,934.62 feet, the chord azimuth and distance being: 146° 29' 22.5" 398.15 feet to a point;
14.	152°	23'	45"	346.35 feet	along Lot A-1-B of the Paia Post Office Subdivision to a point;

Page 2 of 4

15.	Thence alo	ong Lot A-1-B of	the Paia Post Offi	ice Subdivision on a curve to the right with a radius of 2,895.79 feet, the chord azimuth and distance being: 154° 18' 15" 192.86 feet to a point;
16.	156° 12'	45 "	228.94 feet	along Lot A-1-B of the Paia Post Office Subdivision to a point;
17.	Thence alo	ong Lot A-1-B of t	the Paia Post Office	e Subdivision on a curve to the left with a radius of 923.93 feet, the chord azimuth and distance being: 149° 20' 37.5" 221.00 feet to a point;
18.	142° 28′	30,	365.40 feet	along Lot A-1-B of the Paia Post Office Subdivision to a point;
19.	Thence al	ong Lot A-1-B of	f the Paia Post Off	fice Subdivision on a curve to the right with a radius of 747.20 feet, the chord azimuth and distance being: 155° 07' 52.5" 327.43 feet to a point;
20.	167° 47'	15"	123.52 feet	along Lot A-1-B of the Paia Post Office Subdivision to a point;
21.	Thence al	ong Lot A-1-B of	the Paia Post Offic	the Subdivision on a curve to the left with a radius of 1,401.40 feet, the radial azimuth to point of curve being 257° 47' 15" and the radial azimuth to point of tangent being 252° 06' 06", the chord azimuth and distance being: 164° 56' 40.5" 139.01 feet to a point;
22.	245° 48'		6.04 feet	along the southwesterly side of Baldwin Avenue (being along Road Widening Lot A-3 of the Paia Post Office Subdivision) to the point of beginning and containing an Area of 0.325 Acre.

Prepared by: A&B Properties, Inc. Kahului, Maui, Hawaii

This work was prepared by me or under my supervision.

T. NOMURA PROFESSIONAL LAND SURVEYOR

Ken T. Nomura Licensed Professional Land Surveyor Certificate No. LS-7633 Expiration Date: 4/30/2012

Page 4 of 4

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KNOW ALL MEN BY THESE PRESENTS: ALEXANDER & BALDWIN, I That PAIA 2020, LLC, a Haw 822 Bishop Street, Honolulu address is P.O. Box 790478, Paia, Hawa	NC. a Hawaii corporation, and aii limited liability company , whose , Hawaii 96813 and ii 96779
(hereinafter the "Grantor"), for	and in consideration of the sum of
Ten and no/00 dollars	(\$ 10.00) to Grantor paid
by COUNTY OF MAUI, a political s	ubdivision of the State of Hawaii,
whose principal office and man	iling address is 200 South High
Street, Wailuku, Hawaii 96793,	(hereinafter "Grantee"), receipt
whereof is hereby acknowledged,	does hereby grant, bargain, sell
and convey all of that certain p	property situate at
Paia	, Maui, Hawaii, more particularly

EXHIBIT." 2"

PAGE OF 9

described in Exhibit "A", attached hereto and incorporated herein by reference, unto the Grantee, as Tenant in Severalty, its legal successors and assigns, forever, including the reversions, remainders, rents, issues and profits thereof and all of the estate, right, title and interests of Grantor, both at law and in equity, therein and thereto.

TO HAVE AND TO HOLD the same, together with all buildings, improvements, tenements, rights, easements, hereditaments, privileges and appurtenances thereto belonging or appertaining, or held and enjoyed in connection therewith unto the Grantee according to the tenancy hereinabove set forth, absolutely and in fee simple, forever.

AND the Grantor hereby covenants with the Grantee that the Grantor is lawfully seized in fee simple of the described real and personal property and that the Grantor has good right to convey the same as aforesaid; that the property is free and clear of all encumbrances, except as may be described in Exhibit "A"; and the Grantor will WARRANT AND DEFEND the same unto Grantee, forever, against the lawful claims and demands of all persons.

It is understood and agreed that the term "property" shall be deemed to mean and include the property specifically described in Exhibit "A", all buildings and improvements thereon (including any personal property described in Exhibit "A") and all rights, easements, privileges and appurtenances in connection therewith, that the terms "Grantor" and "Grantee", as and when used herein, or any pronouns used in place thereof, shall mean and

include the masculine and/or feminine, the singular or plural number, individuals, firms or corporations, that the rights and obligations of the Grantor and Grantee shall be binding upon and inure to the benefit of their respective estates, heirs, personal representatives, successors in trust and assigns and that where there is more than one Grantor or Grantee, any covenants of the respective party shall be and for all purposes deemed to be joint and several.

IN WITNESS WHEREOF,	the undersigned have executed this
instrument on this day	of, 20
	GRANTOR: ALEXANDER & BALDWIN INC. By name: NELSON/N.S. CARN Its SENIOR WCE PRESIDENT By name: CHARLES W. LOOMIS Its ASSI. SECRETARY PAIA 2020, LLC By name: David R. Sec
	Its Manager
	Ву
	name:
	Its
APPROVED AS TO FORM	
AND LEGALITY:	
MICHAELJ. HOPPER	
Deputy Corporation Counsel	
County of Maui	

(TATE OF HAW CITY & OUNTY OFI)) ss.)					
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Г	·-	NOTA	RY PUBLIC CE	RTIFICATION				
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١	Notary Name:	AILEEN S. MY	rahara	Judicial Circuit:	First			
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Notary Signature: <u>Lilium S. Miyahara</u>

Date:

4/20/11

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	STATE OF HAW CITY & COUNTY OF	HONOLULU)			
	personally a personally k say that suc free act and capacities s	this 20th day of the control of the	ESW.LOOMS by me duly s ted the fore son(s), and duly author	worn or af going inst if applica	, to me firmed, did crument as the ble in the
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				THINININIII	HOTAR DE SERVICE A SERVICE
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PAGE 5 OF 9

STATE OF HAWAII	
COUNTY OF MAUL) SS.	
On this 2nd day of Mar personally appeared David R. Speed personally known, who, being by me du say that such person(s) executed the free act and deed of such person(s), capacities shown, having been duly au instrument in such capacities.	ly sworn or affirmed, did foregoing instrument as the and if applicable in the
IN WITNESS WHEREOF, I have official seal. [Stamp or Seal]	es sett
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STATE OF HAWAII)					
COUNTY OF) SS.					
On this day of personally appeared personally known, who, being by m say that such person(s) executed free act and deed of such person(capacities shown, having been dul instrument in such capacities.	the foregoing instrument as the s), and if applicable in the				
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.					
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NOTARY PUBLIC	CERTIFICATION				
Doc. Date:	# Pages:				
Notary Name:	Judicial Circuit:				
Doc. Description:					
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Notary Signature:					
Date:					

- 7 -

DESCRIPTION

LOT A-1-D (ROAD WIDENING LOT) PAIA POST OFFICE SUBDIVISION

All of that certain parcel of land, being a portion of Lot A-1 of the Paia Post Office Subdivision, being also a portion of the land deed by the Board of Education to the Trustees of the Oahu College dated January 30, 1860 in Liber 12, Page 403 situated at Hamakuapoko. Makawao, Island and County of Maui, State of Hawaii

Beginning at a point at the southeasterly corner of this lot, on the southwesterly side of Baldwin Avenue, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUUNENE 2" being 5,496.14 feet North and 5,828.89 feet East and running by azimuths measured clockwise from True South:

1.	65°	48'		6.00 feet	along the southwesterly side of Baldwin Avenue (being along Road Widening Lot A-3 of the Paia Post Office Subdivision) to a pipe;
2.	155°	47'	50"	296.22 feet	along Lot A-1-A of the Paia Post Office Subdivision to a pipe;
3.	245°	47'	50 "	6.00 feet	along the southwesterly side of Baldwin Avenue to a point;
4.	335°	47'	50"	296.22 feet	along same to the point of beginning and containing an Area of 0.041 Acre.

This work was prepared by me or under my supervision.

LICENSED PROTESSIONAL LAND SURVEYOR No. LS-7633 MAII. U.S.

Ken T. Nomura Licensed Professional Land Surveyor

Certificate No. LS-7633 Expiration Date: 4/30/2012

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